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EXAMINER

WEST, LEWIS G

ART UNIT	PAPER NUMBER
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2682

10

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/845,241

**Applicant(s)**

GORSUCH, THOMAS E.

**Examiner**

Lewis G. West

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-61 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Hollenberg, filters and options are updated based on location, therefore content is limited based on mobility. Furthermore, Hollenberg discloses a request for content, which inherently has a content type. Applicant's argument is therefore unpersuasive.

Regarding Hsu, resources are allocated based on availability, and in response to characteristics of the mobile station, including mobility. Applicant's argument is therefore unpersuasive.

Regarding Shannon, Shannon clearly discloses, as applicant freely admits, mobility. Movement between zones is mobility. Applicant is reminded that what is claimed is given the broadest interpretation possible, and regardless of what applicant defines mobility to be in the specification, it is examined with the broadest possible interpretation.

Regarding the rejections under 35 USC 103, home and roam indications are reflective of a mobility state, and all other arguments stem from the rejections under 35 USC 102, and are not persuasive.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7-11, 14-18, 21 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollenberg et al. (US 6,091,956)

Regarding claim 1, Hollenberg discloses a system for delivering content to a portable wireless transceiver, comprising: first wireless transceiver in communication with a second wireless transceiver via a wireless communication link, wherein at least one of the wireless transceiver is a portable wireless transceiver; a request for content having a content type to be transmitted over the communication link; and a mobility state associated with the portable wireless transceiver; and a module for limiting the transmission of content over the communication link based on the mobility state. (col. 23 lines 12-col. 24 lines 63)

Regarding claim 2, Hollenberg discloses the system of Claim 1 wherein the communication link includes a Code Division Multiple Access based protocol. (Col. 5 lines 13-46)

Regarding claim 3, Hollenberg discloses the system of Claim 1 wherein the mobility state is one of at least three mobility states. (Col. 23 lines 12-col. 24 lines 63)

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Regarding claim 4, Hollenberg discloses the system of Claim 3 wherein the mobility states include a stationary state, a pedestrian state, and a mobile state. (Col. 23 lines 12-col. 24 lines 63)

Regarding claim 7, Hollenberg discloses the system of Claim 6 further comprising a representation of the deliverable content types displayed to a user of the portable wireless transceiver. (Col. 24 lines 12-27)

Regarding claim 8, Hollenberg discloses a method of delivering content to a portable wireless transceiver, comprising: establishing a wireless communication link between a first wireless transceiver and a second wireless transceiver, requesting content having a content type to be transmitted over the communication link; and at least one of the wireless transceivers being a portable wireless transceiver; detecting a mobility state of the portable wireless transceiver; and based on the detected mobility state, limiting the transmission of content over the communication link. (col. 24 lines 12-col. 25 lines 63)

Regarding claim 9, Hollenberg discloses the method of Claim 8 wherein the communication link includes a Code Division Multiple Access based protocol. (Col. 5 lines 13-46)

Regarding claim 10, Hollenberg discloses the method of Claim 8 further comprising selecting the mobility state from at least three mobility states. (Col. 23 lines 12-col. 24 lines 63)

Regarding claim 11, Hollenberg discloses the method of Claim 10 wherein the mobility states include a stationary state, a pedestrian state, and a mobile state. (Col. 23 lines 12-col. 24 lines 63)

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Regarding claim 14, Hollenberg discloses the method of Claim 8 further comprising displaying, on the portable wireless transceiver, a representation of the deliverable content types to a user. (Col. 24 lines 12-27)

Regarding claim 15, Hollenberg discloses an article of manufacture, comprising: a computer-usable medium; a set of computer operating instructions embodied on the medium, including instructions for a method of delivering content to a portable wireless transceiver, comprising instructions for: establishing a wireless communication link between a first wireless transceiver and a second wireless transceiver, at least one of the wireless transceivers being a portable wireless transceiver; requesting content having a content type to be transmitted over the communication link; and detecting a mobility state of the portable wireless transceiver; and based on the detected mobility state, limiting the transmission of content over the communication link. (Col. 23 lines 12-col. 24 lines 63)

Regarding claim 16, Hollenberg discloses the article of Claim 15 wherein the instructions include establishing a Code Division Multiple Access based communication link. (Col. 5 lines 13-46)

Regarding claim 17, Hollenberg discloses the article of Claim 15 further comprising instructions for selecting the mobility state from at least three mobility states. (Col. 23 lines 12-col. 24 lines 63)

Regarding claim 18, Hollenberg discloses the article of Claim 17 wherein the instructions define the mobility states to include a stationary state, a pedestrian state, and a mobile state. (Col. 23 lines 12-col. 24 lines 63)

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Regarding claim 21, Hollenberg discloses the article of Claim 15 further comprising instructions for displaying, on the portable wireless transceiver, a representation of the deliverable content types to a user. (Col. 24 lines 12-27)

Regarding claim 62, Hollenberg discloses a system for delivering content to a portable wireless transceiver, comprising: means for establishing a wireless communication link between a first wireless transceiver and a second wireless transceiver, at least one of the wireless transceivers being a portable transceiver; means for detecting a mobility state of the portable wireless transceiver; means for requesting content having a content type to be transmitted; and means for limiting transmission of the content over the communication link, based on the detected mobility state. (col. 23 lines 12-col. 24 lines 63)

Regarding claim 63, Hsu discloses a computing system for affecting the transmission of content over a wireless communication link, comprising: means for communicating with a portable wireless transceiver using a wireless communication link, wherein the portable wireless transceiver has an associated level of service and a mobility state; and means for operating a computer program routing on the level of service and the mobility state to affect the rate of data transmitted over the wireless communications link. (Col. 8 lines 15-61)

Regarding claim 64, Hsu discloses a communication system comprising: means for providing a base station having a wireless transceiver; means for coupling a computer to a portable wireless transceiver; the wireless transceiver having an associated pricing plan; means for establishing a wireless communication link for transmitting data between the base station transceiver and the portable transceiver; and from a content filter, means

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for blocking data from transmission over the wireless communication link based on the pricing plan and the mobility state. (Col. 8 lines 15-61)

4. Claims 22, 23, 28-30, 42, 43, 48-50, 63 and 64 rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (US 6,169,898).

Regarding claim 22, Hsu discloses a computing system for affecting the transmission of content over a wireless communication link, comprising: a portable wireless transceiver in communication with a wireless communication link, wherein the portable wireless transceiver has an associated level of service and a mobility state; and a computer program routine operating on the level of service and the mobility state to affect the rate of data transmitted over the wireless communication link. (Col. 8 lines 15-61)

Regarding claim 23, Hsu discloses the computing system of Claim 22, wherein the level of service is based on a pricing plan associated with the portable wireless transceiver. (Col. 8 lines 15-61)

Regarding claim 28, Hsu discloses the computing system of Claim 22 wherein the mobility state is selected from at least three mobility states. (Col. 8 lines 15-61)

Regarding claim 29, Hsu discloses the computing system of Claim 22 wherein the mobility state is computed from a metric associated with the wireless communication link. (Col. 8 lines 15-61)

Regarding claim 30, Hsu discloses the computing system of Claim 22 wherein the mobility state is computed from mobility data in the portable wireless transceiver. (Col. 8 lines 15-61)



Regarding claim 42, Hsu discloses a method for affecting the transmission of content over a wireless communication link, comprising: placing a portable wireless transceiver in communication with a wireless communication link, wherein the portable wireless transceiver has an associated level of service and a mobility state; and in a computer program routine, operating on the level of service and the mobility state to affect the rate of data transmitted over the wireless communication link. (Col. 8 lines 15-61)

Regarding claim 43, Hsu discloses the method of Claim 42 wherein the level of service is based on a pricing plan associated with the portable wireless transceiver. (Col. 8 lines 39-46)

Regarding claim 48, Hsu discloses the method of Claim 42 wherein the mobility state is selected from at least three mobility states. (Col. 8 lines 15-61)

Regarding claim 49, Hsu discloses the method of Claim 42 wherein the mobility state is computed from a metric associated with the wireless communication link. (Col. 8 lines 15-61)

Regarding claim 50, Hsu discloses the method of Claim 42 wherein the mobility state is computed from mobility data in the portable wireless transceiver. (Col. 8 lines 15-61)

5. Claims 1, 5, 6, 8, 12, 13, 15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shannon (US 6,032,044).

Regarding claim 1, Shannon discloses a system for delivering content to a portable wireless transceiver, comprising: first wireless transceiver in communication

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(10) with a second wireless transceiver (11) via a wireless communication link, wherein at least one of the wireless transceiver is a portable wireless transceiver (10); a request for content having a content type to be transmitted over the communication link; and a mobility state associated with the portable wireless transceiver; and a module for limiting the transmission of content over the communication link based on the mobility state.

(Col. 5 lines 65-Col. 6 line 31)

Regarding claim 5, the system of Claim 1 wherein the mobility state is associated with at least one pricing plan from a plurality of available pricing plans. (Col. 3 lines 51-59)

Regarding claim 6, the system of Claim 5 wherein each pricing plan is associated with a respective set of deliverable content types based on the mobility state. (Col. 3 lines 51-59)

Regarding claim 8, Shannon discloses a method of delivering content to a portable wireless transceiver, comprising: establishing a wireless communication link between a first wireless transceiver and a second wireless transceiver, at least one of the wireless transceivers being a portable wireless transceiver; requesting for content having a content type to be transmitted over the communication link; and detecting a mobility state of the portable wireless transceiver; and based on the detected mobility state, limiting the transmission of content over the communication link. (Col. 5 lines 65-Col. 6 line 31)

Regarding claim 12, the method of Claim 8 further comprising associating the detected mobility state with at least one pricing plan from a plurality of available pricing plans. (Col. 3 lines 51-59)

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Regarding claim 13, the method of Claim 12 further comprising defining, for each pricing plan, a respective set of deliverable content types based on the mobility state.

(Col. 3 lines 51-59)

Regarding claim 15, Shannon discloses an article of manufacture, comprising: a computer-usable medium; a set of computer operating instructions embodied on the medium, including instructions for a method of delivering content to a portable wireless transceiver, comprising instructions for: establishing a wireless communication link between a first wireless transceiver and a second wireless transceiver, at least one of the wireless transceivers being a portable wireless transceiver; requesting content having a content type to be transmitted over the communication link; and detecting a mobility state of the portable wireless transceiver; and based on the detected mobility state, limiting the transmission of content over the communication link. (Col. 5 lines 65-Col. 6 line 31)

Regarding claim 19, the article of Claim 15 further comprising instructions for associating the detected mobility state with at least one pricing plan from a plurality of available pricing plans. (Col. 3 lines 51-59)

Regarding claim 20, the article of Claim 19 further comprising instructions for defining, for each pricing plan, a respective set of deliverable content types based on the mobility state. (Col. 3 lines 51-59)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24, 26-27, 44 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Widegren.

Regarding claim 24, Hsu discloses the computing system of Claim 22 but does not expressly disclose associating different content types with level of service. Widegren discloses a system wherein the level of service identifies a plurality of allowed content types transmittable over the wireless communication link based on service level. (Col. 11 line 52-col. 12 line 32) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to associate level of service with content type as certain content types are more resource intensive and thus require a higher level of service.

Regarding claim 25, the combination of Hsu and Widegren discloses the computing system of Claim 24 wherein each allowed content type is identified. (Col. 11 lines 52-67)

Regarding claim 26, the combination of Hsu and Widegren discloses the computing system of Claim 24 wherein each allowed content type is identified by a respective protocol identifier. (Col. 11 lines 52-67)

Regarding claim 27, the combination of Hsu and Widegren discloses the computing system of Claim 24 wherein each allowed content type is identified by a respective file type. (Col. 11 lines 52-67)

Regarding claim 44, Hsu discloses the method of Claim 42 but does not expressly disclose associating different content types with level of service. Widegren discloses a

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system wherein the level of service identifies a plurality of allowed content types transmittable over the wireless communication link based on service level. (Col. 11 line 52-col. 12 line 32) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to associate level of service with content type as certain content types are more resource intensive and thus require a higher level of service.

Regarding claim 46, Hsu discloses the method of Claim 44 wherein each allowed content type is identified by a respective protocol identifier. (Col. 11 lines 52-67)

Regarding claim 47, Hsu discloses the method of Claim 44 wherein each allowed content type is identified by a respective file type. (Col. 11 lines 52-67)

8. Claims 31-32 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Shannon.

Regarding claim 31, Hsu discloses the computing system of Claim 22 but does not disclose disallowing a transmission. Shannon discloses a system wherein the computer program routine determines a disallowed transmission. (Col. 4 lines 36-67) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a system wherein the computer program routine determines a disallowed transmission, in order to prevent a user from gaining services that are not paid for.

Regarding claim 32, the combination of Hsu and Shannon discloses the computing system of Claim 31 wherein the computer program routine blocks transmission of the disallowed transmission over the wireless communication link.

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Regarding claim 51, Hsu discloses the method of Claim 42 wherein the computer program routine determines a disallowed transmission. Shannon discloses a system wherein the computer program routine determines a disallowed transmission. (Col. 4 lines 36-67) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a system wherein the computer program routine determines a disallowed transmission, in order to prevent a user from gaining services that are not paid for. (Col. 4 lines 36-67)

Regarding claim 52, the combination of Hsu and Shannon discloses the method of Claim 51 wherein the computer program routine blocks transmission of the disallowed transmission over the wireless communication link. (Col. 4 lines 36-67)

9. Claims 33-37, 39-41, 53-57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of Mizikovsky.

Regarding claim 33, Shannon discloses a communication system comprising: a base station having a wireless transceiver; a computer coupled to a portable wireless transceiver, the portable wireless transceiver having an associated pricing plan; a wireless communication link for transmitting data between the base station transceiver and the portable transceiver; and a content filter (Col. 4 lines 36-67) for blocking data from transmission over the wireless communication link based on the pricing plan (Col. 3 lines 51-60) and the mobility state (Col. 4 lines 1-17), but does not expressly disclose a mobility processing routine in the base station for storing a mobility state for the portable wireless transceiver. Mizikovsky discloses a mobility processing routine in the base station for storing a mobility state for the portable wireless transceiver. (Col. 11 line 55-

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Col. 12 line 40) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store a mobility state in the base station in order to centralize the functions of the system.

Regarding claim 34, the combination of Shannon and Mizikovsky discloses the communication system of Claim 33 wherein the mobility state is computed by a processor in the base station. (Mizikovsky Col. 11 line 55-Col. 12 line 40)

Regarding claim 35, the combination of Shannon and Mizikovsky discloses the communication system of Claim 34 wherein the mobility state is computed from data derived from the performance of the wireless communication link. (Mizikovsky Col. 11 line 55-Col. 12 line 40)

Regarding claim 36, the combination of Shannon and Mizikovsky discloses the communication system of Claim 34 wherein the mobility state is computed from data provided by the portable wireless transceiver. (Mizikovsky Col. 11 line 55-Col. 12 line 40)

Regarding claim 37, the combination of Shannon and Mizikovsky discloses the communication system of Claim 33 wherein the content filter further blocks data based on a content type associated with the data. (Col. 4 lines 5-67)

Regarding claim 39, the communication system of Claim 37 wherein the content type is represented by a message protocol. (Col. 4 lines 5-67)

Regarding claim 40, the communication system of Claim 37 wherein the content type is represented by a file type. (Col. 4 lines 5-67)

Regarding claim 41, the combination of Shannon and Mizikovsky discloses the communication system of Claim 33 further comprising a gateway disposed between the

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base station and a wide area network, the gateway including the content filter. (Col. 6 lines 52-59)

Regarding claim 53, Shannon discloses a communication method comprising: providing a base station having a wireless transceiver; coupling a computer to a portable wireless transceiver, the portable wireless transceiver having an associated pricing plan; establishing a wireless communication line for transmitting data between the base station transceiver and the portable transceiver; and from a content filter, blocking data from transmission over the wireless communication link based on the pricing plan and the mobility state. (Col. 5 lines 29-45), but does not expressly disclose a mobility processing routine in the base station for storing a mobility state for the portable wireless transceiver. Mizikovsky discloses a mobility processing routine in the base station for storing a mobility state for the portable wireless transceiver. (Col. 11 line 55-Col. 12 line 40) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store a mobility state in the base station in order to centralize the functions of the system.

Regarding claim 54, the combination of Shannon and Mizikovsky the communication method of Claim 53 wherein the mobility state is computed by a processor in the base station. (Mizikovsky Col. 11 line 55-Col. 12 line 40)

Regarding claim 55, the combination of Shannon and Mizikovsky the communication method of Claim 54 wherein the mobility state is computed from data derived from the performance of the wireless communication link. (Mizikovsky Col. 11 line 55-Col. 12 line 40)



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Regarding claim 56, the combination of Shannon and Mizikovsky the communication method of Claim 54 wherein the mobility states is computed from data provided by the portable wireless transceiver. (Mizikovsky Col. 11 line 55-Col. 12 line 40)

Regarding claim 57, the communication method of Claim 53 wherein the content filter further blocks data based on a content type associated with the data. (Col. 5 lines 29-45)

Regarding claim 59, the communication method of Claim 57 wherein the content type is represented by a message protocol. (Col. 4 lines 5-67)

Regarding claim 60, the communication method of Claim 57 wherein the content type is represented by a file type. (Col. 4 lines 5-67)

Regarding claim 61, the combination of Shannon and Mizikovsky discloses the communication method of Claim 53 further comprising a gateway disposed between the base station and a wide area network, the gateway including the content filter. (Col. 6 lines 52-59)

10. Claims 25 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Widegren further in view of Coley (US 5,826,014).

Regarding claim 25, the combination of Hsu and Widegren discloses the computing system of Claim 24 wherein each allowed content type is identified but does not expressly disclose the use of a service port number. Coley discloses associating a type of content with a service port number in a communications system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use

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service port number to identify content in order to have an accurate determination of content type as each port receives only one type of content.

Regarding claim 45, Hsu discloses the method of Claim 44 wherein each allowed content type is identified but does not expressly disclose the use of a service port number. Coley discloses associating a type of content with a service port number in a communications system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use service port number to identify content in order to have an accurate determination of content type as each port receives only one type of content.

11. Claims 33-37, 39-41, 53-57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of Mizikovsky further in view of Coley (US 5,826,014).

Regarding claim 38, the communication system of Claim 37 wherein the content type is represented but does not expressly disclose the use of a service port number. Coley discloses associating a type of content with a service port number in a communications system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use service port number to identify content in order to have an accurate determination of content type as each port receives only one type of content.

Regarding claim 58, the communication method of Claim 57 wherein the content type is represented but does not expressly disclose the use of a service port number. Coley discloses associating a type of content with a service port number in a

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communications system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use service port number to identify content in order to have an accurate determination of content type as each port receives only one type of content.

### *Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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March 31, 2004



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TECHNOLOGY CENTER 2600

4/5/04